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FBI - CLEVELAND

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR0327-1
)	
Plaintiff,)	
)	
vs.)	Judge John M. Manos
)	
JOSE LUIS RODRIGUEZ,)	
)	
Defendant.)	<u>ORDER</u>

On November 9, 2005, a multi-count Superseding Indictment was filed charging Jose Luis Rodriguez, Defendant, with one (1) count of conspiracy to possess with intent to distribute a controlled substance in violation of Title 21 of the United States Code, Section 846; one (1) count of possession with intent to distribute or distribution of a controlled substance in violation of Title 21 of the United States Code, Section 841(a)(1) & (b)(1)(C); one (1) count of possession with intent to distribute or distribution of a controlled substance in violation of Title 21 of the United States Code, Section 841(a)(1) & (b)(1)(B), and Title 18 of the United States Code, Section 2; and twenty-four (24) counts of unlawful use of a communication facility to facilitate acts constituting a felony under 21 U.S.C. § 846, all in violation of Title 18 of the United States Code, Section 2 and Title 21 of the United States Code, Section 843(b). (Docket No. 296.)


On December 9, 2005, the above-captioned matter was referred to a United States Magistrate Judge pursuant to General Order 99-49, with the consent of the parties, for the purpose of accepting a change of plea. (Docket No. 339) At a hearing held on December 12, 2005, Defendant, accompanied by counsel, proffered a plea of guilty to Count 1 of the Superseding Indictment. (Docket No. 351.)

On December 9, 2005, the Magistrate Judge issued a Report and Recommendation documenting Defendant's plea. (Docket No. 353.) The Report indicates that Defendant was advised of his rights and that the hearing otherwise complied with all requirements imposed by the United States Constitution and Federal Criminal Procedure Rule 11. Finding that the plea was made knowingly, intelligently, and voluntarily, the Magistrate recommends that this Court accept and enter the Defendant's plea of guilty to Count 1 of the Superseding Indictment.

Pursuant to General order 99-49, and absent any objections by the parties heretofore made, the Court accepts and adopts the Report and Recommendation of the Magistrate Judge. In doing so, the Court finds that the Defendant knowingly, intelligently, and voluntarily entered a plea of guilty to the Count 1 of the Superseding Indictment, and that all of the requirements imposed by the United States Constitution and Fed. R. Crim. P. 11 have been satisfied. Therefore, the Court accepts the Defendant's plea and enters it accordingly. This matter is referred to the Probation Office for pre-sentence investigation. Sentencing is scheduled for **March 7, 2006 at 10:30 a.m.**

IT IS SO ORDERED.

Date: December 13, 2005


UNITED STATES DISTRICT JUDGE